

**RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE REQUESTED
EXAMINING GROUP 2194
PATENT
Customer No. 22,852
Attorney Docket No. 06502.0267-00000**

REMARKS

In the Final Office Action, the Examiner rejected claims 19 and 21 under 35 U.S.C. § 112, 2nd paragraph, as being indefinite for lacking antecedent basis. The Examiner also rejected claims 1-9, 15, 17, and 19-22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,999,988 to *Pelegrí-Llopert et al.* Applicants respectfully request entry of this Amendment After Final in order to bring claims 19 and 21 into compliance with section 112 and to enable Applicants to respond to the rejections based on the newly-cited *Pelegrí-Llopert et al.* patent.

Section 112 Rejections

Claims 19 and 21 were rejected under 35 U.S.C. § 112, 2nd paragraph, as being indefinite for lacking proper antecedent basis for the phrase “the creating step.” By this paper, Applicants propose to amend claims 19 and 21 in order to correct the form of these claims and bring them into full compliance with 35 U.S.C. § 112. Thus, upon entry of this Amendment After Final, the section 112 rejections of claims 19 and 21 should be overcome.

Section 102 Rejections

All of the pending claims 1-9, 15, 17, and 19-22 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Pelegrí-Llopert et al.* To anticipate a claim, the reference must teach every element of the claim. M.P.E.P. § 2131.01 (8th ed. 2001, revised August 2005). Because claims 1-9, 15, 17, and 19-22 contain several elements not taught by *Pelegrí-Llopert et al.*, the Examiner has not established that the reference

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anticipates the claims and, thus, Applicants request the reconsideration and withdrawal of the section 102 rejections.

For example, claim 1 recites a method in a distributed system for passing a first object and a second object, wherein the first object and the second object are instances of a class, including, among other things, passing the first object from a sender to a recipient with a descriptor of the class and a handle corresponding to the descriptor.

Pelegrí-Llopert et al. does not disclose such a method.

In the system of *Pelegrí-Llopert et al.*, a client application on a first virtual machine accesses a remote object on a second virtual machine using a stub object that is generated at run-time. (*Pelegrí-Llopert et al.*, col. 5, ll. 64-66; Fig. 1.) In particular, the first virtual machine receives “a reference to the remote object... [that includes] information associated with the remote object and also includes a list of interfaces of the remote object.” (*Id.*, col. 4, ll. 19-22.) “After receiving the reference to the remote object, the stub class generator...transforms at run-time the information associated with the remote object into a stub class that represents the remote object in the first virtual machine....” (*Id.*, col. 4, ll. 25-29.)

The Examiner has not shown that the system of *Pelegrí-Llopert et al.* discloses **passing the first object** from the sender to the recipient. Instead, as the Examiner noted in the Office Action, *Pelegrí-Llopert et al.* discloses passing only an “object reference [that] includes an interface descriptor and an object handle associated with the object (also referred to hereinafter as a remote object)....” (Final Office Action, p. 3;

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Pelegrí-Llopert et al., col. 8, ll. 57-60.) As clearly explained in the patent, what is passed is a reference to the remote object including “sufficient information so that [the] remote object may be accessed from the first virtual machine.” The remote object remains “implemented in a second virtual machine....” (*Pelegrí-Llopert et al.*, Fig. 1; col. 8, ll. 1-8; col. 6, ll. 54-55.) Thus, the Examiner has not shown that the patent teaches passing the first object from a sender to a recipient with a descriptor of the class and a handle corresponding to the descriptor.

Claim 1 further recites the step of **passing the second object** from the sender to the recipient with the handle. The Examiner also has not shown that *Pelegrí-Llopert et al.* teaches this step. Instead, the Examiner cited the same part of the patent for teaching this element, again noting that *Pelegrí-Llopert et al.* discloses passing an “object reference [that] includes an interface descriptor and an object handle associated with the object (also referred to hereinafter as a remote object)....” (Final Office Action, p. 3; *Pelegrí-Llopert et al.*, col. 8, ll. 57-60.) However, even if the object reference or object handle of *Pelegrí-Llopert et al.* could be interpreted as teaching the claimed handle, no teaching has been shown of passing the remote object with the object reference or object handle.

Furthermore, the Examiner has not shown any teaching of passing a first object with **a handle** and passing a second object with **the handle**. In the Office Action, the Examiner interprets the claimed handle as being taught by the object handle of *Pelegrí-Llopert et al.* (Final Office Action, p. 3.) The patent explains that “[a]n object handle is

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simply sufficient information so that a remote object may be accessed from a first virtual machine (e.g., the client machine). Typically, an object handle includes a machine address, as well as, an identification specifying where on that machine the object resides." (*Pelegri-Llopard et al.*, col. 8, ll. 6-9.) Under the Examiner's interpretation of the teachings of the patent, the handle that is passed with the first object of claim 1 would be sufficient information to identify the first object (although, as discussed above, the Examiner has not shown a teaching of passing the first object). Continuing according to this interpretation, the handle passed with the second object of claim 1 would also be sufficient information to identify the first object. However, this would be contrary to the teachings of *Pelegri-Llopard et al.* because the purpose of passing an object handle is to enable the referenced remote object to be accessed from a first virtual machine. (*Id.*, col. 8, ll. 3-6.) Thus, the Examiner also has not shown a teaching of passing the second object from the sender to the recipient with the handle.

Because the Examiner has not shown a teaching of every element of claim 1 in *Pelegri-Llopard et al.*, the reference does not anticipate the claim and, thus, Applicants request the withdrawal of the section 102 rejection of claim 1. Claims 2-4 and 19-20 depend from claim 1 and incorporate its recitations. Because the Examiner has not shown a teaching in the reference of every element of claim 1, he also has not shown a teaching of every element of dependent claims 2-4 and 19-20, and Applicants request the withdrawal of the section 102 rejections of claims 2-4 and 19-20.

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Claim 5 recites a method in a distributed system for passing a first object and a second object to a recipient, wherein the first object and the second object are instances of a class, including passing, by a sender, the first object to the recipient with a descriptor of the class and a handle corresponding to the descriptor. The method of claim 5 further includes passing, by the sender, the second object to the recipient with the handle. At least for the reasons discussed above with reference to claim 1, the Examiner has not shown a teaching of these claim elements in *Pelegrí-Llopert et al.*

Because the Examiner has not shown a teaching in the reference of every element of claim 5, the reference does not anticipate the claim and, thus, Applicants request the withdrawal of the section 102 rejection of claim 5. Claims 6 and 21-22 depend from claim 5 and incorporate its recitations. Because the Examiner has not shown a teaching in the reference of every element of claim 5, he also has not shown a teaching of every element of dependent claims 6 and 21-22, and Applicants further request the withdrawal of the section 102 rejections of claims 6 and 21-22.

Claim 15 recites a distributed system including, among other things, a client computer having a memory with a client program that sends an object of a class to a remote location together with a handle corresponding to a descriptor of the class. As discussed above with respect to claim 1, the Examiner has not shown a teaching of these claim elements in *Pelegrí-Llopert et al.*, and Applicants therefore request the withdrawal of the section 102 rejection of claim 15.

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Claim 17 recites a computer-readable medium containing instructions for controlling a data processing system to perform a method including, among other things, sending the first object from the source to the destination with a descriptor of the class and a handle corresponding to the descriptor and sending the second object from the source to the destination with the handle. As discussed above with respect to claim 1, the Examiner has not shown a teaching of these claim elements in cited reference, and Applicants therefore request the withdrawal of the section 102 rejection of claim 17.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-9, 15, 17, and 19-22 in condition for allowance. Applicants submit that the proposed amendments of claims 19 and 21 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final action by the Examiner introduced a new reference used to reject all of the claims. It is respectfully submitted that the entering of the Amendment would allow Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

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In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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